

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

.....
EFRAIN MUNIZ,

Plaintiff,

v.

9:04-CV-0479
[TJM][GHL]

GLENN S. GOORD; LESTER WRIGHT;
JUSTIN TAYLOR,

Defendants.

.....
APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

EFRAIN MUNIZ
Plaintiff, pro se
80-A-0959
Gouverneur Correctional Facility
P.O. Box 480
Gouverneur, NY 13642

FOR THE DEFENDANTS:

HON. ELIOT SPITZER
Office of Attorney General
Department of Law
The Capitol
Albany, NY 12224

STEVEN H. SCHWARTZ, Esq.
Assistant Attorney General

THOMAS J. MCAVOY, SENIOR DISTRICT JUDGE

ORDER

Presently before this Court is a letter from plaintiff requesting dismissal of this action, without prejudice, due to a variety of reasons including his illness. See docket no. 19.

The defendants have advised the Court that they "consent to the dismissal of this case, without prejudice". See docket no. 21.

Since defendants have not opposed plaintiff's request for voluntary dismissal, the Court hereby orders that this action be dismissed, as requested by Muniz.

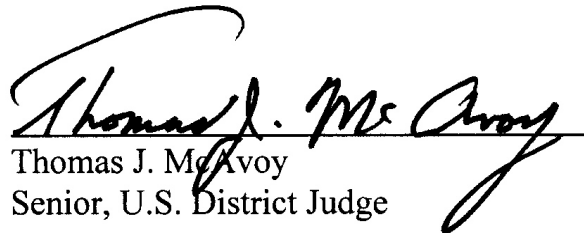
WHEREFORE, based upon the above, it is hereby

ORDERED, that this action be dismissed pursuant to Plaintiff's request (docket no. 19), without prejudice, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties by regular mail.

IT IS SO ORDERED.

Dated: June 13, 2005


Thomas J. McAvoy
Senior, U.S. District Judge